

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
SHREVEPORT DIVISION

SARAH TERRELL,

Plaintiff,

v.

WINNFIELD LIFE INSURANCE
COMPANY, INC., LIBERTY BANKERS
LIFE INSURANCE COMPANY, INC.,
AND STUART ALLEN &
ASSOCIATES, INC.,

Case No.: 5:10-cv-1513

Defendants.

NOTICE OF REMOVAL

NOW INTO COURT, through undersigned counsel, comes defendant, Stuart Allan & Associates, Inc. (incorrectly identified previously in this matter as “Stuart Allen & Associates, Inc.”) (“SAA”), which hereby removes from the First Judicial District Court for the Parish of Caddo, State of Louisiana, the following described lawsuit, and respectfully states as follows:

1. SAA is a defendant in the civil action filed by plaintiff, Sarah Terrell, in the First Judicial District Court for the Parish of Caddo, State of Louisiana, captioned as *Sarah Terrell v. Winnfield Life Insurance Company, Inc., Liberty Bankers Life Insurance Company, Inc., and Stuart Allen & Associates, Inc.*, Case No. 543956-B (hereinafter the “State Court Action”).

2. Pursuant to 28 U.S.C. §§ 1441 and 1446, SAA removes the State Court Action to this Court, which is the federal judicial district in which the State Court Action is pending.

3. The petition in the State Court Action (hereinafter the “State Court Action Complaint”) asserts claims against SAA under the Fair Debt Collection Practices Act (FDCPA), 15 U.S.C. § 1692, *et. seq.*

4. Removal of the State Court Action is proper under 28 U.S.C. § 1441. If the action had originally been brought in this Court, this Court would have original, federal question jurisdiction over plaintiff’s FDCPA claims per 28 U.S.C. § 1331, 15 U.S.C. § 1681p and 15 U.S.C. § 1692k as well as supplemental jurisdiction over the state law claims.

5. Pursuant to 28 U.S.C. § 1446(b), SAA has timely filed this Notice of Removal. The State Court Action Complaint was served on SAA via long-arm service on September 10, 2010. This Notice of Removal is filed within 30 days of receipt of the State Court Action Complaint by SAA and is, therefore, timely filed under 28 U.S.C. § 1446(b).

6. All other named defendants that have been served with the State Court Action Complaint consent to removal of the State Court Action. Copies of Winnfield Life Insurance Company and Liberty Bankers Life Insurance Company’s Consent to Removal are attached as Exhibit 1.

7. A copy of all process, pleadings and orders served upon SAA in the State Court Action is being filed with this Notice and is attached hereto as Exhibit 2.

WHEREFORE, Stuart Allan & Associates, Inc. removes the case styled *Sarah Terrell v. Winnfield Life Insurance Company, Inc., Liberty Bankers Life Insurance Company, Inc., and Stuart Allen & Associates, Inc.*, Case No. 543956-B, from the First Judicial District Court for the Parish of Caddo, State of Louisiana, on this 29th day of September 2010.

Respectfully Submitted,

CERTIFICATE OF SERVICE

I hereby certify that a copy of the above and foregoing has been forwarded to all counsel of record ☐ by hand; ☒ by ECF/CM; ☒ by fax; ☐ by FedEx; ☒ by placing a copy of same in the U.S. Mail, postage prepaid on September 29, 2010.

/s/ John C. Person
JOHN C. PERSON

/s/ John C. Person
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